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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,761	03/26/2002	Harumi Kawamura	450104--03153	3031
20999 7590 01/18/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER KHAN, MEHMOOD B	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 01/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/009,761

Applicant(s)

KAWAMURA, HARUMI

Examiner

Mehmood B. Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/11/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: Claim 1 recites the term "other" which is a grammatical error. The term "other" should be changed to -- another -
-. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 rejected under 35 U.S.C. 102(e) as being anticipated by Balog et al. (US 2002/0022453 herein Balog).

Claim 1, Balog discloses a data communication method (see Abstract), Balog discloses transmitting a command (0036, where Balog discloses requesting content from a user) and Balog discloses its response (0036, where Balog discloses delivery of the requested content) Balog discloses of a specified type between a device and other device which are capable of transmitting data bi-directionally in a specified wireless or cable-based transmission network (0036, 0033, where Balog discloses content and services including the type of content supported by the service, i.e. a specified type and 0022, where Balog discloses devices that can transmit bi-directionally such as telephones and laptops and Fig. 1: 20, an Access Point), Balog discloses wherein a side receiving said command executes

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an action instructed by the command (Fig. 1: 20, it is well known in the art that an access point receives the request for content and forwards the command to the service provider and later delivers the content to the device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balog et al. (US 2002/0022453 herein Balog) in view of Nafie et al. (US 2001/0033601 herein Nafie).

Claim 2, Balog does not disclose wherein a code for specifying said network is attached to data.

In an analogous art, Nafie discloses wherein a code for specifying said network is attached to data (0008, where Nafie discloses CAC codes). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Balog with the teachings of Lunsford so as to allow the receiver to re-synchronize to the transmitter's clock (0008).

Claim 3, Balog does not disclose wherein data by type to control is attached to data of said command and response.

In an analogous art, Nafie discloses wherein data by type to control is attached to data of said command and response (0008, where Nafie discloses CAC codes). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to modify Balog with the teachings of Lunsford so as to allow the receiver to re-synchronize to the transmitter's clock (0008).

Claim 4, Balog discloses data about transmission setup of stream data and data about device control exist (claim 10, where Balog discloses control and signaling, Fig. 4: data type 8 and 9, where Balog discloses video/media stream with an SCO link and a remote control).

Claim 5, Balog discloses wherein when data about transmission setup of said stream data is attached and transmission of stream data is instructed, transmission of an appropriate stream data is carried out through a second channel in said network (claim 10, where Balog discloses control and signaling, Fig. 4: data type 8 and 9, where Balog discloses video/media stream with an SCO link and a remote control, Fig. 5: 190, where Balog discloses creation of an information channel).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balog et al. (US 2002/0022453 herein Balog) in view of Lunsford et al. (US 6,982,962 herein Lunsford).

Claim 6, Balog discloses a control means (Fig. 1: 20, where Balog discloses an AP, it is well known to one of ordinary skill in the art that an access point has a control means); Balog discloses a transmitting means for transmitting (it is well known to one of ordinary skill in the art that an AP has a transmitting means)

Balog does not explicitly disclose generating a command and a response of a specified type, a descriptor type command and response generated through a first channel.

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In an analogous art, Lunsford discloses generating a command and a response of a specified type (Col 5: 18-23, where Lunsford discloses an inquiry and a page, it is well known to one of ordinary skill in the art that a master sends an inquiry and, after a response from a slave, sends a page), Lunsford discloses descriptor type command and response generated through a first channel (Col 5: 18-23, it is well known to one of ordinary skill in the art that an inquiry by a master causes a slave to give its address and timing information, i.e. a descriptor type command, the subsequent page by the master is the response, the master uses 32 carriers for the inquiry). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Balog with the teachings of Lunsford so as to automatically connect to devices (Col 2: 9-23).

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balog et al. (US 2002/0022453 herein Balog) in view of Lunsford et al. (US 6,982,962 herein Lunsford) in view of Nafie et al. (US 2001/0033601 herein Nafie).

Claim 7, Balog in view of Lunsford does not disclose wherein a code for specifying said network is attached to data of a command or a response generated by said control means.

In an analogous art, Nafie discloses wherein a code for specifying said network is attached to data of a command or a response generated by said control means (0008, where Nafie discloses CAC codes). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Balog with the teachings of Lunsford so as to allow the receiver to re-synchronize to the transmitter's clock (0008).

Claim 8, Balog in view of Lunsford does not disclose wherein data by type to control is attached to data of a command or a response generated by said control means.

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Nafie discloses wherein data by type to control is attached to data of a command or a response generated by said control means (0008, where Nafie discloses CAC codes).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Balog with the teachings of Lunsford so as to allow the receiver to re-synchronize to the transmitter's clock (0008).

Claim 9, as analyzed with respect to the limitations as discussed in claim 4.

Claim 10, as analyzed with respect to the limitations as discussed in claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmood B. Khan whose telephone number is 571-272-9277. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MBK

Mehmood B. Khan
Examiner
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GEORGE ENG
SUPERVISORY PATENT EXAMINER